

RESOLUTION NO. 12-06-01

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NICEVILLE, FLORIDA; RELATING TO THE CREATION OF A COMMUNITY REDEVELOPMENT AGENCY UNDER THE AUTHORITIES PROVIDED IN CHAPTER 163, PART III, FLORIDA STATUTES; CREATING A GOVERNING AUTHORITY; AUTHORIZING THE COMMUNITY REDEVELOPMENT AGENCY; DEFINING THE COMMUNITY REDEVELOPMENT AREA; CONFIRMING THAT THE CITY HAS NOTIFIED EXISTING TAXING AUTHORITIES OF THE CITY'S ACTIONS IN THE CREATION OF A COMMUNITY REDEVELOPMENT AGENCY; PROVIDING FOR THE DEVELOPMENT OF A COMMUNITY REDEVELOPMENT PLAN; PROVIDING FOR CERTAIN OTHER MATTERS IN CONNECTION THEREWITH; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, The City of Niceville, Florida (City) is aware of deteriorating, blighted, and underperforming conditions in several areas of the "Old Settlement" areas of the City; and

WHEREAS, certain areas of the older areas of the City need incentives to initiate physical, economic, and social redevelopment to insure their overall contribution to the City of Niceville as a whole; and

WHEREAS, many Florida municipalities have taken advantage of the authorities provided to them under Chapter 163 Florida Statutes, to affect positive redevelopment in deteriorating, blighted, and underperforming areas of their cities, and to assist those cities in maintaining economic and social values and conditions over the entire incorporated area; and

WHEREAS, The City wants to gauge and control its designated area redevelopment efforts to be compatible with City resources to implement and support its redevelopment initiatives; and

WHEREAS, A Community Redevelopment Agency (CRA), under the authorities granted by Chapter 163 Florida Statutes, will provide the authority and the institutional approach for the redevelopment of identified areas within the City, and provide for these areas' lasting contribution to the Quality of Life and economic and social wellbeing to the Niceville community.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NICEVILLE, FLORIDA:

**SECTION 1. FINDINGS.** It is hereby ascertained, determined, and declared that:

(A) Chapter 163, Part III, Florida Statutes (the “Act”), provides legislative authority for municipalities, such as the City of Niceville, to create and establish Community Redevelopment Agencies to carry out the community redevelopment purposes of the Act.

(B) The City Council of the City of Niceville, Florida (the City) desires to exercise the authorities granted to the City by the Act to determine those areas which are deteriorating, blighted, underperforming, or otherwise dysfunctional as it relates to economic, social, land use, transportation, or other factors contributing directly to the City’s economic and social wellbeing.

(C) The area identified in Exhibit “A” has been identified as meeting the criteria established in paragraph (B) above and is designated as the “Redevelopment Area”.

(D) Within the Redevelopment Area, there exists faulty or inadequate street lay outs, problematic traffic access, inadequate parking facilities, lack of pedestrian access to public facilities, traffic flow barriers created by traffic volumes on State Roads 20 and 85, deterioration of commercial structures, vacant unkept buildings and properties, deteriorating aesthetic conditions on major access points to the City, and blighting of water fronts including disrepair of docks, other water front facilities, trash disposal, and potential public health hazards from the poor quality of stormwater run off.

(E) The City Council hereby finds that blighted and seriously deteriorating properties exist within the Redevelopment Area, and that the rehabilitation, conservation, or redevelopment, or any combination thereof, as such Redevelopment Area is necessary in the interest of the economy, public health, public safety, morals, or welfare of the residents of the City.

(F) The City Council hereby finds there is a need for a Community Redevelopment Agency and efforts to affect and carry out identified community redevelopment purposes and projects within the City.

**SECTION 2. CREATION OF THE NICEVILLE COMMUNITY REDEVELOPMENT AGENCY.**

(A) The Niceville Community Redevelopment Agency (the “Agency”) is hereby created and established, pursuant to Chapter 163.356, Part III, Florida Statutes. The Agency is constituted as a public instrumentality and the exercise by the Agency of the authorities conferred by the Act shall be deemed and held to be the performance of an essential public function.

(B) Pursuant to Section 163.357, Florida Statutes, the City Council hereby declares itself to sit as ex-officio to the governing board of the Agency. The Mayor and Vice Mayor of the City shall serve respectively as the Chair and Vice-Chair of the

Agency. A vacancy occurring during a term shall be filled in the same manner as provided for respectively filling a vacancy in the term of the Mayor, Vice Mayor, or other members of the City Council. Coterminal with employment by the City, the City Manager, City Clerk, and City Attorney or any special counsel to the City shall also serve respectively as the executive director, clerk, and general counsel or special counsel for the Agency.

**SECTION 3. POWERS.** The Agency is authorized to exercise all of the powers conferred by the Act which are necessary and convenient to carry out and effectuate the purposes of community redevelopment and related activities within the City, "Except that, the CRA Governing Board shall not execute Eminent Domain Authority to acquire an interest in real properties within the Water Oaks Town-home Development".

**SECTION 4. DESIGNATION OF COMMUNITY REDEVELOPMENT AREAS: DEVELOPMENT OF COMMUNITY REDEVELOPMENT PLANS.**

(A) The power to determine an area to be a deteriorating or blighted area, or combination thereof, designate such area as appropriate for community redevelopment, and may hold any public hearings required and respect thereto is expressly reserved to the City Council pursuant to Section 163.358, Florida Statutes.

(B) Upon adoption of this or any subsequent resolution by the City, identifying a specific redevelopment area and making the determinations provided for in Section 163.360, Florida Statutes, the Agency and its executive director, clerk, and counsel shall be deemed to be authorized and directed to proceed to timely create and seek comment upon a community redevelopment plan to be developed in conformance with the Act and express City Council policy direction, if any.

**SECTION 5. REDEVELOPMENT AREA.**

(A) The Redevelopment Area as provided in Exhibit "A" is composed of blighted, deteriorating, and neglected vacant buildings and properties which have been determined to constitute an economic and social liability imposing onerous burdens which decrease potential tax base and revenues, substantially impairs or arrests sound community growth, aggravates traffic problems, and hampers the elimination of traffic hazards, and the overall improvement of traffic facilities. The Area is approximately 340 acres (1/2 square mile) in size.

The Redevelopment Area includes the following:

- (i) The Old Settlement of the City of Niceville on Boggy Bayou;
- (ii) The SR-20 corridor from Niceville High School to SR-85;
- (iii) The SR-85 corridor to the western City limits; and
- (iv) The extension of SR-397 (John Sims Parkway) to the Valparizo city limits.

**SECTION 6. NOTIFICATION OF THE TAXING AUTHORITIES.** Pursuant to Chapter 163.346, F.S., the Agency staff is directed to compile a description of the designated Redevelopment Area to identify all properties within the Area. The City will provide public notice of such proposed action pursuant to s. 125.66(2) or s. 166.041(3) (a) and, at least 15 days before such proposed action, mail by registered mail a notice to each taxing authority which levies ad valorem taxes on taxable real property contained within the geographic boundaries of the Redevelopment Area.

**SECTION 7. IMPLEMENTATION SEQUENCING.**

(A) Obtain confirmation that all taxing authorities have been notified pursuant to Chapter 163.346, Florida Statutes, of the intent of the creation of the Niceville Community Redevelopment Agency and its intent to establish tax increment financing of the Agency pursuant to Chapter 163.346, Florida Statutes, on or before May 22, 2012.

(B) Implement creation of Community Redevelopment Agency by enabling Resolution June 12, 2012.

(C) Initiate activities necessary to develop a Redevelopment Area Plan (the "Plan") for redevelopment improvements. Staff to consult with public and private interests within the designated area and present the Plan to the Redevelopment Agency Board at a fully noticed Public Hearing on or before June 30, 2013.

(D) Implement Community Redevelopment Agency Trust Fund pursuant to Florida Law.

**SECTION 8. EFFECT OF ADOPTION OF RESOLUTION.**

(A) The adoption of this Resolution shall be liberally construed to (1) comply with the adoption of finds of necessity required by Section 163.355, Florida Statutes, (2) create a Community Redevelopment Agency pursuant to Sections 163.356 and 163.357, Florida Statutes, and (3) specifically document by resolution that the City Council has determined the Redevelopment Area to be an area of "slum or blight" with the meaning of the Act, and designate such area as appropriate for community redevelopment.

(B) If any one or more of the provisions of this Resolution should be held contrary to any express provision of law or contrary to the policy of express law, though not expressly prohibited, or against public policy, or shall for any reason whatsoever be held invalid, then such provisions shall be null and void and shall be deemed separate from the remaining provisions of this Resolution.

(C) All prior resolutions of the City inconsistent with the provisions of this Resolution are hereby modified, supplemented and amended to conform with the provisions herein contained.

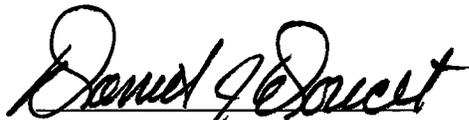
**SECTION 9. EFFECTIVE DATE.**

This Resolution shall take effect immediately upon its passage and adoption.

ADOPTED this 12th day of June, 2012.

  
Mayor

ATTEST:

  
CITY CLERK



**Economic Development Council**  
*of Okaloosa County, Florida*

May 29, 2012

Mayor Randall Wise  
City of Niceville  
206 Partin Drive  
Niceville, FL 32578

RE: Community Redevelopment Area

Dear Mayor Wise,

As an economic developer, it was with great pleasure that I learned of the city's interest to establish a community redevelopment area. As you are aware, the Community Redevelopment Act was established with the intent to help communities revitalize downtown areas, preserve historic structures, and otherwise enhance the designated area for business development and quality of place attributes. It has been proven through time that places with positive cultures have more motivated residents and prospering neighborhoods; thereby providing a stronger quality of place and desirable location for both residents and businesses.

Under Florida law, local governments are able to designate areas as Community Redevelopment Areas when certain conditions exist such as the presence of substandard or inadequate structures, a shortage of affordable housing, and/or inadequate infrastructure. The availability of some unique financing is one of the benefits of establishing a CRA. Once a CRA is designated, then the process of tax increment financing can take place which will utilize measurable increased, incremented, property tax to pay for improvements within the area; it will give back to the area from which it came as a direct benefit to the property and business owners. Additional financing streams can include a revolving loan fund, HUD Community Development Block Grants, revenue bonds, and property and/or business owners' fees or assessments.

The process of establishing a CRA has proven to be beneficial to jurisdictions in order to improve designated areas with community and business development. Through the city's goal of neighborhood redevelopment via the CRA, you will be able to increase wealth at the individual or household level, add value to real estate, minimize retail leakage, and create an environment for business attraction and expansion.

Therefore, I and the Economic Development Council support this initiative and commend the City of Niceville for taking this step to further position the city in being a premier location to live and conduct business.

Sincerely,

Kay Rasmussen  
Vice President Community & Economic Development

Cc: Larry Sassano

*The EDC is a 501(c)(6) Not-for-Profit Organization*

P.O. Box 4097, Fort Walton Beach, FL 32549

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*The Center of Business*

June 8, 2012

Honorable Mayor Randall Wise  
City of Niceville  
204 North Partin Drive  
Niceville, FL 32578

Dear Mayor Wise:

Thank you for presenting the City's Community Redevelopment Program to the Board of Directors of the Chamber of Commerce. Our board members enjoyed the presentation and as the leading business organization for our community, we support the efforts to make our area more attractive for economic development.

Based on the presentation, the Chamber supports the concept to establish a CRA and the basic goals of the proposed program. The Chamber is encouraged by this positive action by the City of Niceville to provide public initiative and investment to support the needs of the Niceville business community.

We look forward to being part of this initiative as it moves forward.

Sincerely,

Tricia Brunson  
President & CEO